

F O U R T H
R E P O R T
FROM THE
SELECT COMMITTEE,
APPOINTED TO TAKE INTO CONSIDERATION
THE STATE OF THE ADMINISTRATION OF
JUSTICE IN THE PROVINCES OF
BENGAL, BAHAR, and ORISSA.

Printed in the Year M.DCC.LXXXII.

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LEGISLATIVE, JUDICIAL, AND EXECUTIVE

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FROM THE
SELECT COMMITTEE, &c.

The Select Committee appointed to take into Consideration the State of the Administration of Justice in the Provinces of Bengal, Bahar, and Orissa, and to report the same, with their Observations thereupon, to the House; and who were instructed to consider how the British Possessions in the East Indies may be held and governed with the greatest Security and Advantage to this Country, and by what Means the Happiness of the Native Inhabitants may be best promoted;

HAVING, since their former Report, received the following Papers from the East India House, and as the last Ships of this Year are now under Dispatch for India, they think it necessary to lay the same immediately before the House.

Extract of Bengal Public Consultations, the 7th July 1781.

P R E S E N T;

The Honourable Warren Hastings, Governor General, President,
and

Edward Wheler, Esquire.

Lieut. General Sir Eyre Coote absent on Service at Fort
St. George.

The Governor General delivers in the following Minute:

Governor General.

Our Seizure of the Dutch Settlement at Chinsura has brought under the Power of this Government a great Body of People, who are at present not amenable to any Civil Tribunal, the Authority of their former Magistrates having been annihilated by the Conquest; and among these is a very considerable Number of European Foreigners, of different Nations, who do not fall within the Description of Persons subject to the Jurisdiction of the Supreme Court of Judicature, and who cannot,

cannot, without manifest Inconvenience, be rendered amenable to the ordinary Courts of Dewanny Adaulut, or to the Foujedarry Courts.

Natural Justice, and the Honour of the English Nation, always remarkable for the Mildness of its Conquests, and the Equity of its Government, seem to require, that for the Ease and Security of these People, and particularly of the Europeans, a Judge be appointed to distribute Justice at Chinsura, with as little Deviation from those Modes to which the Inhabitants have been accustomed, as their present Circumstances and the Public Welfare will permit.

The Dignity, and perhaps the Safety of Government, demand that he be not one of the People newly subdued, but a British Subject; and for the Ease and Satisfaction of the Suitors in his Court, it is necessary that he have more Knowledge of Jurisprudence, both English and Foreign, than any Gentleman who is not by Profession a Lawyer can be expected to possess.

The Want of such a judicial Magistrate at the French Settlement of Chandernagore, hath not been so much felt as it would be in the more populous and thriving Town of Chinsura: The same Inconvenience however subsists, though fewer Persons are affected by it; and as the French and Dutch Districts are adjacent to each other, it seems to be expedient that they should be united in their Subjection to such a Judicature when it shall be constituted.

It is therefore proposed, That a Court of Civil and Criminal Justice be established at Chinsura, which shall be called "The Court of Justice at Chinsura," and shall have Jurisdiction over that Town and Settlement, and the whole District or Territory thereunto belonging, and also over the Town, Settlement, and District of Chandernagore: That the Criminal Jurisdiction thereof within the District of Chinsura, do extend to such Crimes there committed, and such only as heretofore fell under the Cognizance of the Director, or of the Fiscal, or of some other Dutch Magistrate of that Place: That the Civil Jurisdiction within the same District, do extend to all Causes over which any Court heretofore held by the Dutch Director and Council, or by any one of them, or by any other Magistrate there, had Power to decide: And that in like Manner the Civil and Criminal Jurisdiction, to be exercised by the said Court over Offences committed within the District of Chandernagore, or over Persons living in the said District, or otherwise amenable as belonging thereto, shall be limited by the Civil and Criminal Powers heretofore exercised by the respective Civil and Criminal Magistrates under the French Government.

It is further proposed, That in this Court a single Judge shall preside and distribute Justice, who shall be stiled "President of the Court of Justice at Chinsura."

It might not be proper to declare, that Persons holding Offices under the Company, in Chinsura or Chandernagore, shall be liable to be sued in the Court of Justice at Chinsura, because their proper Tribunal is the Supreme Court of Judicature at Calcutta; but it is conceived to be for the Good of the Inhabitants, and it is therefore proposed, That if Complaint be made, by any Person whatsoever, to the President of the said Court of Justice at Chinsura, against any of the Commissaries appointed by this Board, or against any other Civil Officer acting under this Government, in the District of Chinsura or in that of Chandernagore, for any Misbehaviour in the Exercise of his Office, or for any Cause whatsoever arising within either of the said Districts, the said President may, if he shall think fit, receive and hear the said Complaint, and also the Evidence offered in Support thereof, and may, in his Discretion, either dismiss the same or make a Report thereon to this Board; provided always, that he shall make no such Report without first summoning the Party complained against to answer to the Charge, and giving him such an Opportunity to defend himself, if he chooses to make any Defence, as Justice shall require.

Lastly, It is proposed that Sir Robert Chambers be desired to accept the said Office of President of the Court of Justice at Chinsura; and that, on his Acceptance, he be immediately appointed thereto. I am aware that further Regulations will be necessary concerning the Constitution of this Court, and the Mode of Proceeding; but in the framing of these the Board will probably desire the Opinion and Assistance of the Judge after his Appointment.

Agreed, That the foregoing be considered as Resolutions of the Board, and transmitted to the Commissaries for their Information and Guidance; and that a Salary of 3,000 Sicca Rupees per Month be annexed to the Office of President of the Court of Judicature at Chinsura, to be paid by the Commissaries.

Extract of Bengal Public Consultations, the 20th July 1781.

P R E S E N T;

Edward Wheler, Esquire.

The Honourable the Governor General absent on a Visit to the Northern Provinces,

Lieutenant General Sir Eyre Coote absent on Service at Fort Saint George.

Read the following Letter from Sir Robert Chambers:

Honourable Sir, and Sirs,

I think myself very highly honoured by your obliging Offer, communicated to me by your Secretary,

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Secretary of the Office of President of the Court of Justice at Chinsura; an Office which, as it is now constituted by the Resolution of your Honourable Board, requires not only a Knowledge of English Jurisprudence, and of the Manners and Customs of the Natives of Bengal, but also some Acquaintance with the Civil Law, as received by the Dutch and French, and with the municipal Laws of those Nations.

It would ill become me to decline an Employment of Importance to the Public, for which you have been pleased to deem me qualified, and which is properly connected with my Profession: I therefore accept, with Thanks, the Office of President of the Court of Justice at Chinsura, with the Powers annexed to it by your Resolution of the 7th Instant, and subject to such Alterations as you may hereafter think fit to make therein. Whatever may be my own Defects, or the Difficulties of my Station, I shall endeavour to supply those Defects, and surmount those Difficulties, by Diligence, Attention, and Fidelity; not doubting that I shall thereby give Satisfaction to those among whom I am to distribute Justice, and be honoured with your Approbation.

I shall take Care so to adjust the Forms of Proceeding in the Court which I am to hold, and the Times of holding it, that the Purposes of the Establishment may be fully answered, without any Encroachment on the Terms, or other Seasons of Business, in the Supreme Court of Judicature at Fort William.

I have the Honour, &c.

(Signed) Robert Chambers.

Fort William,
9th July 1781.

Mr. Wheler delivers in the following Minute:

Sir Robert Chambers having agreed to accept the Office of President of the Court of Justice at Chinsura, as constituted by the Board on the 7th Instant, he is appointed to and confirmed in the said Office; and it is hereby declared, that his Appointment shall be considered as having taken place from that Date.

To prevent any Doubt that might arise concerning the Powers conferred on the said President by the Resolution of this Board on the 7th Instant, it is hereby declared and resolved, That beside the Authority and superintending Power over the Civil Officers of this Government in the Districts of Chinsura and Chandernagore, given to the said President by the said Resolution, he shall and may exercise over the Town, Settlement, and District of Chinsura, and all the Inhabitants thereof, all such Powers and Authorities respecting the Administration of Justice, or the Police and good Order of the said Settlement, as were heretofore enjoyed or exercised by the Director and Council, or any of them, or by the Fiscal, or any other Magistrate under the Dutch Government; that he shall and may exercise over the Town, Settlement, and District of Chandernagore, and the Inhabitants thereof, all such Powers and Authorities respecting the Administration of Justice, or the Police and good Order of the said Settlement, as were heretofore exercised or enjoyed by the French Commandant or Governor, or any other Magistrate appointed by or under the French Government; and that every European and reputed European, not being a British Subject, or otherwise subjected to the Jurisdiction of the Supreme Court of Judicature at Fort William in Bengal, who shall be resident at any Place within these Provinces, other than in Calcutta, or in some of the Factories subordinate thereto, and who would, if the said Settlements of Chinsura and Chandernagore had not been taken by the Arms of Great Britain, have been amenable to any Court of Justice or Magistrate in either of the said Settlements (whether on account of native Allegiance, or for any other Reason) shall be amenable to the Court of Justice at Chinsura, in like Manner as he would have been to such Court or Magistrate, to all Intents and Purposes whatsoever.

Whereas the Town of Baranagur, lately belonging to the Dutch, has been usually by them considered as subordinate to Chinsura, has been in fact subject to the Jurisdiction and Power of the Director, and of the Fiscal, or of some other Magistrate of Chinsura, and may, on account of its Vicinity, conveniently be made amenable to the same Judicature and Authority with that Place; it is therefore Resolved, That the said Town of Baranagur, with the District thereunto belonging, shall be subject to the Jurisdiction of the Court of Justice at Chinsura, newly established; and that the President of the said Court may and shall have and exercise over the said Town and District, and the Inhabitants thereof, the same Jurisdiction, and the same Powers and Authorities, of whatsoever Kind, which he hath and may exercise in the Town, Settlement, and District of Chinsura.

Whereas several of the Judicial Powers now conferred by this Board on the President of the Court of Justice at Chinsura, have for some Time past been exercised within the Town and District of Chandernagore, by an Officer (usually called the Zemindar Jemmadar) appointed by this Government since the Capture of that Settlement from the French; which Office is now enjoyed by Mr. Henry Richardson: And whereas it is the Intention of this Board, that the said Officer shall for the future act only as an Assistant to the President of the Court of Justice at Chinsura, in the Preservation of the Peace and good Order of the Town and District of Chandernagore, under the Direction and Controul of the said President: And whereas Mr. George Richard Foley hath lately been appointed Jemmadar of Chinsura, for the Purpose of being in like Manner assistant to the said President in the Preservation of the Peace and good Order of the Town and District of Chinsura,

fura, under the Direction and Controul of the said President: Now it is hereby Resolved and Declared, That the said Two Officers are, and both they and their respective Successors shall henceforth be, Ministerial Peace Officers; who shall and are hereby required to act under the Orders of the said President, in the Preservation of the Peace and good Order of their respective Districts; that they shall in all Things obey the Directions and Commands of the said President, whether verbal or in Writing, concerning the Performance of the Duties of their respective Offices, or any Matter therewith connected; and that neither of them shall have or exercise any Power or Authority but such as shall be delegated or expressly allowed to them, or either of them, in their respective Districts, by the said President: Provided, That if either of them the said Jemmadars or Peace Officers shall wilfully disobey or neglect to perform any such Command or Direction of the said President as aforesaid, or shall be guilty of any Neglect or Misbehaviour in the Exercise of his Office, he shall be liable to be suspended from his said Office by Order of the said President of the Court of Justice at Chinsura, until the Governor General and Council shall, upon Report to be made to them by the said President, have examined into and determined upon the Matter reported to them.

Resolved, That Mr. Foley, and Mr. Richardson, the Commissaries at Chinsura, Mr. Patterson, the Commissary at Baranagur, and Mr. Malony, Commissary at Chandernagore, be acquainted with the Jurisdiction, Powers, and Authorities conferred on the President of the Court of Justice at Chinsura, by the several Resolutions of this Board, made on the 7th Instant, and on this Day, and with the Appointment of Sir Robert Chambers to the said Office: And that Mr. Foley and Mr. Richardson be directed to wait on Sir Robert Chambers for their Instructions as soon as he shall arrive at Chinsura.

Resolved, That Orders be sent to the Military Officer commanding in Chinsura and Chandernagore, that if the President of the Court of Justice at Chinsura shall at any Time require from him the Assistance of Sepoys for the Preservation of the Peace, or for any other Purpose respecting the Exercise of the said President's Office, he do immediately afford such Assistance, without waiting for any special Order: And also that he do, at all Times when the said President shall be resident in Chinsura or in Chandernagore, supply him with Sentinels, and pay him, as Occasion shall require, such Military Honours as are due to his Rank, and may serve to make him known to the Native Inhabitants as the Chief Magistrate of Chinsura and Chandernagore.

Resolved, That the Commissaries at Chinsura be furnished with a Copy of the above Resolutions, that they be required to deliver forthwith to Sir Robert Chambers, all such Records and Papers as shall have come to their Hands respecting the Office of Fiscal, the Judicial Authority of the late Director and Council, or any other Dutch Magistrate, or respecting in any Manner the Administration of Justice, or of the Police of the Town and District of Chinsura.

Agreed to and Resolved, That the above be considered as Resolutions of the Board.

An Establishment of Officers for European Business at Chinsura, proposed by Sir Robert Chambers.

Total Monthly Salaries,	—	—	Sicca Rupees,	2,426	—	—
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